

GOODSILL ANDERSON QUINN & STIFEL
A LIMITED LIABILITY LAW PARTNERSHIP LLP

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1099 Alakea Street

Honolulu, Hawaii 96813

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Attorneys for Defendant-Counter-Claimant-
Appellant/Defendant-Counter-Claimant-Appellee
KIRIBATI SEAFOOD CO. LLC and Plaintiff-
Appellant/Plaintiff-Appellee INTERNATIONAL
SPECIALTY, INC.

FILED

NOV 08 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MOTION GRANTED
Subject to 9th Cir. R. 27-7


Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents for
National Casualty Co.,

Plaintiff-Appellant,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellee,

v.

CIVIL NO. 05-16700 205-16823
D.C. NOS. CV-02-00093-ER
CV-02-00272-ER

MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANT-
COUNTER-CLAIMANT-
APPELLANT/DEFENDANT-
COUNTER-CLAIMANT-
APPELLEE KIRIBATI SEAFOOD
CO. LLC AND PLAINTIFF-
APPELLANT/PLAINTIFF-
APPELLEE INTERNATIONAL
SPECIALTY, INC.;
MEMORANDUM IN SUPPORT OF
MOTION; DECLARATION OF

MADEE, F/V, United States Coast
Guard Document No. D5464888, In
Rem,

Defendant,

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellant,

v.

MARISCO CO. LTD.,

Defendant-Third-Party-
Plaintiff-Appellee,

v.

KIRIBATI SEAFOOD CO. LLC.,

Third-Party-Defendant-
Appellant.

JOHN R. LACY; EXHIBITS "A"
AND "B"; CERTIFICATE OF
SERVICE

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents For
National Casualty Co.,

Plaintiff-Appellee,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellant

v.

MADEE, F/V, United States Coast
Guard Document No. D546488, In
Rem,

Defendant-Appellee
and

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellee

v.

MARISCO LTD., a Hawaii corporation,

Defendant-Third-Party-
Plaintiff-Appellant,

v.

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Third-party-defendant-
Appellant.

CIVIL NO. 05-16823

D.C. NOS. CV 02-00093 ER

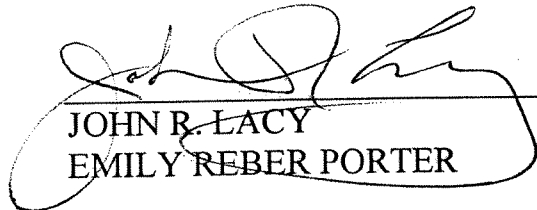
CV 02-00272-ER

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT-
COUNTER-CLAIMANT-APPELLANT/DEFENDANT-COUNTER-
CLAIMANT-APPELLEE KIRIBATI SEAFOOD CO. LLC AND
PLAINTIFF-APPELLANT/PLAINTIFF-APPELLEE INTERNATIONAL
SPECIALTY, INC.**

GOODSILL ANDERSON QUINN & STIFEL, LLP, through its
counsel John R. Lacy, respectfully moves this Court for permission to withdraw as
counsel for Defendant-Counter-Claimant-Appellant/Defendant-Counter-Claimant-
Appellee KIRIBATI SEAFOOD CO. LLC and Plaintiff-Appellant/Plaintiff-
Appellee INTERNATIONAL SPECIALTY, INC.

In support of this Motion, this Court is referred to the accompanying
Memorandum, exhibits and declaration.

DATED: Honolulu, Hawaii, November 2, 2005.



JOHN R. LACY
EMILY REBER PORTER

Attorneys for Defendant-Counter-
Claimant-Appellant
KIRIBATI SEAFOOD CO. LLC and
Plaintiff-Appellant INTERNATIONAL
SPECIALTY, INC.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents for
National Casualty Co.,

Plaintiff-Appellant,

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Defendant-Appellee,

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Defendant,

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foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellant,

v.

MARISCO CO. LTD.,

Defendant-Third-Party-
Plaintiff-Appellee,

v.

KIRIBATI SEAFOOD CO. LLC,

Third-Party-Defendant-
Appellant.

CIVIL NO. 05-16700

D.C. NOS. CV-02-00093-ER
CV-02-00272-ER

MEMORANDUM IN SUPPORT OF
MOTION

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents For
National Casualty Co.,

Plaintiff-Appellee,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellant

v.

MADEE, F/V, United States Coast
Guard Document No. D546488, In
Rem,

Defendant-Appellee

and

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellee

v.

MARISCO LTD., a Hawaii corporation,

Defendant-Third-Party-
Plaintiff-Appellant,

v.

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Third-Party-Defendant-
Appellee

CIVIL NO. 05-16823

D.C. NOS. CV 02-00093 ER
CV 02-00272-ER

MEMORANDUM IN SUPPORT OF MOTION

I. Introduction

Goodsill Anderson Quinn & Stifel, LLP (“Goodsill”), through its counsel John R. Lacy, respectfully requests this Court’s permission to withdraw as counsel for Defendant-Counter-Claimant-Appellant/Defendant-Counter-Claimant Appellee Kiribati Seafood Co. LLC (“Kiribati”) and Plaintiff-Appellant/Plaintiff-Appellee International Specialty, Inc. (“International”) (collectively “Clients”) because of Kiribati’s failure to pay its legal fees and because Clients are still represented by other counsel admitted to practice law in Hawaii.

II. Argument

Goodsill represents Clients in the above-captioned matter. International was one of Kiribati’s insurers and as part of a settlement in another lawsuit, International’s claims were assigned to Kiribati. Because Goodsill only nominally represents International, Kiribati is the only party who has received billings.

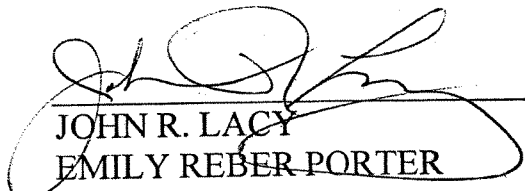
Goodsill seeks to withdraw because Kiribati has failed to pay legal fees. Despite repeated requests by Goodsill to collect on outstanding invoices, Kiribati has failed to pay legal fees since December of 2004. See Exhibit A attached hereto. Clients will not be prejudiced by Goodsill’s withdrawal because

Clients are also represented by Dennis Moran of Moran, Windes and Wong, a law firm located in Seattle, Washington. Mr. Moran is licensed in Hawaii and has agreed to continue representing Clients alone. See Exhibit B attached hereto.

III. Conclusion

For the foregoing reasons, Goodsill respectfully requests that this Court permit Goodsill to withdraw as counsel for Clients.

DATED: Honolulu, Hawaii, November 2, 2005.



JOHN R. LACY
EMILY REBER PORTER

Attorneys for Defendant-Counter-
Claimant-Appellant
KIRIBATI SEAFOOD CO. LLC and
Plaintiff-Appellant INTERNATIONAL
SPECIALTY, INC.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents for
National Casualty Co.,

Plaintiff-Appellant,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellee,

v.

MADEE, F/V, United States Coast
Guard Document No. D5464888, In
Rem,

Defendant,

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellant,

v.

MARISCO CO. LTD.,

Defendant-Third-Party-
Plaintiff-Appellee,

v.

KIRIBATI SEAFOOD CO. LLC,

Third-Party-Defendant-
Appellant.

CIVIL NO. 05-16700

D.C. NOS. CV-02-00093-ER

CV-02-00272-ER

DECLARATION OF JOHN R.
LACY

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents For
National Casualty Co.,

Plaintiff-Appellee,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellant

v.

MADEE, F/V, United States Coast
Guard Document No. D546488, In
Rem,

Defendant-Appellee

and

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellee

v.

MARISCO LTD., a Hawaii corporation,

Defendant-Third-Party-
Plaintiff-Appellant,

v.

KIRIBATI SEAFOOD CO. L.L.C., a
foreign corporation, in personam,

Third-Party-Defendant-
Appellee

CIVIL NO. 05-16823

D.C. NOS. CV 02-00093 ER
CV 02-00272-ER

DECLARATION OF JOHN R. LACY

I, JOHN R. LACY, declare:

1. Declarant is co-counsel with Dennis Moran for Kiribati Seafood Co. LLC and International Specialty, Inc. in the above-referenced matters.

2. Attached as Exhibit A is a true and accurate copies of letters dated October 10, 2005 and October 6, 2005 addressed to Mr. Nicholas F. Coscia whom the declarant understands is the President and/or Chief Operating Officer of Kiribati Seafood Co. LLC.

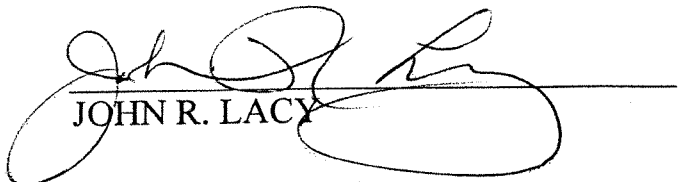
3. That Kiribati Seafood Co. LLC has failed to respond to the October 10 and October 6 letters and has failed to make any arrangements to pay the outstanding invoices in the amount of \$36,110.97.

4. That attached as Exhibit B is a true and accurate copy of email correspondence between Dennis Moran and Declarant dated August 10, 2005.

5. On October 31, 2005, Declarant spoke with Sue Goheen of International Specialty, Inc. who stated that she had no objection to Declarant's Motion to Withdraw As Counsel in these matters.

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, November 2, 2005.


JOHN R. LACY

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

JOHN R. LACY

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

TELEPHONE (808) 547-5600 • FAX (808) 547-5880
info@goodsill.com • www.goodsill.com

DIRECT DIAL:
(808) 547-5633

INTERNET:
jlacy@goodsill.com

October 10, 2005

Mr. Nicholas F. Coscia
Kiribati Seafood Co., LLC
P. O. Box 789
Cardiff-by-the-Sea, CA 92007

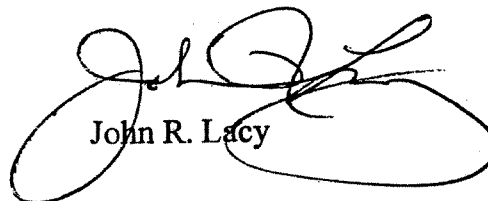
Re: Marisco v. Kiribati Seafood, et al.
ISI v. Marisco v. Kiribati Seafood, et al.

Dear Mr. Coscia:

Last week, I forwarded a letter addressed to you care of Milberg and Dephillips. Mr. Crovo had provided me with Milberg and Dephillips' address and requested that I forwarded any correspondence to you at that location. However, I received a letter from the Milberg and Dephillips firm advising me that I should refrain from communicating with you through their offices.

I am enclosing a copy of my October 6, 2005 letter for your review. I would appreciate your securing the appropriate signature on behalf of Kiribati Seafood Company to the authorization for my firm to withdraw as local counsel in the above-referenced matters. Also, I would appreciate your assistance in making the necessary arrangements for payment of my firm's outstanding invoices.

Very truly yours,



John R. Lacy

JRL:jr
Enclosure

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

JOHN R. LACY

ALI PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
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TELEPHONE (808) 547-5600 • FAX (808) 547-5880
info@goodsill.com • www.goodsill.com

DIRECT DIAL:
(808) 547-5633

INTERNET:
jlacy@goodsill.com

October 6, 2005

VIA FACSIMILE (760) 943-6750

Mr. Nicholas Coscia
Milberg & Dephillips
2163 New Castle Avenue, Suite 200
Cardiff by The Sea, CA 92007

Re: Kiribati Seafood Company, LLC
Civil Nos. 02-00093 DAE/LEK and 02-00272 DAE/LEK

Dear Mr. Coscia:

I have just returned from an extended trip and received a message from Emily Reber Porter's secretary that you had called regarding billings in the Kiribati cases. As you know, earlier it was agreed that all communications regarding this case between my office and Kiribati would be conducted through Mr. Crovo. I am enclosing a copy of the correspondence setting forth that agreement for your convenience.

As you know from the documents that I understand Mr. Crovo has recently forwarded to you, Kiribati has not paid any of my firm's invoices since December 2004. Each month we have forwarded our itemized billing to Kiribati, and thus Mr. Crovo or someone at Kiribati already has a copy of all invoices. While we had agreed that all communications will be through Mr. Crovo, if you have a specific question about any specific invoice please send that inquiry to me and I will be happy to respond. Otherwise, I would appreciate you making the necessary arrangements for Kiribati to pay all past due invoices from my firm which currently total \$36,110.97. As I told Mr. Crovo, if payment is made promptly my firm will waive the late charge of \$922.54 so that the amount due is \$35,188.43.

I spoke with Mr. Crovo regarding my firm's withdrawal as local counsel in the above-referenced matters. Since Dennis Moran is now admitted to the Hawaii Bar, local counsel is no longer required for Mr. Moran's appearance before the local courts. Mr. Moran has advised us that he is and will be responsible for handling the current motions and appeals pending in the above-referenced matters. Accordingly, I am enclosing an Authorization to be executed by Kiribati for my firm to withdraw as local

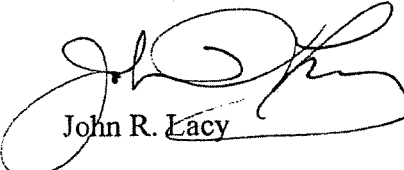
JDSILL ANDERSON QUINN & STIFEL
A LIMITED LIABILITY LAW PARTNERSHIP LLP

Mr. Nicholas Coscia
October 6, 2005
Page 2

counsel. This will allow us to file a Notice of Withdrawal with the Court. If I do not receive the signed Authorization within the next two weeks, we will file a Motion to Withdraw. Thus, I hope you will return the enclosed Authorization promptly.

Thank you for your attention to these matters.

Very truly yours,



John R. Lacy

JRL:jtm
Enclosures

John R. Lacy, Esq.
Goodsill Anderson Quinn & Stifel
P. O. Box 3196
Honolulu, Hawaii 96801

Re: Marisco v. Kiribati Seafood, et al.
Civil No. 02-00093 ER/LEK
International Specialty, Inc. v. Marisco v. Kiribati Seafood, et al.
Civil No. 02-00272 ER/LEK

Dear Mr. Lacy:

Kiribati Seafood Company agrees to the withdrawal of Goodsill Anderson
Quinn & Stifel as local counsel in the above-referenced matters.

Very truly yours,

KIRABATI SEAFOOD COMPANY, LLC
By Its _____

Lacy, John R.

From: Dennis Moran [dennis@mwwlaw.net]
Sent: Wednesday, August 10, 2005 12:54 PM
To: Lacy, John R.
Subject: RE: Emily

John,

Thanks for the info and please pass along my congratulations.

I think we can take it from here, subject to approval from the client of course. We can file the notice of appeal when we get the final post judgment orders. My only concern would be that if something gets served on your firm only, that it needs to get passed along to my office to deal with. Our opponents had a habit of only serving you folks with motions and papers.

I think the appropriate protocol is for you to get permission to withdraw directly from the client rather than through me. If it ok with them, its obviously ok with me.

Dennis Moran
Moran, Windes and Wong
5608 17th Ave. NW Seattle, WA 98107
phone: 206-788-3000
fax 206-788-3001
email: dennis@mwwlaw.net

-----Original Message-----

From: Lacy, John R. [mailto:jlacy@goodsill.com]
Sent: Wednesday, August 10, 2005 3:43 PM
To: Dennis Moran
Subject: Emily

Dennis, Emily had a boy this morning. All doing well. She will be out about 90 days. Is there anything pending that requires our assistance? If not, is there any reason for the firm to continue to be involved since you are now a Hawaii bar member? Please advise. John

=====
John R. Lacy, Esq.
Goodsill Anderson Quinn & Stifel
A Limited Liability Law Partnership LLP
1099 Alakea Street, Suite 1800

8/10/2005

EXHIBIT B

Message

Honolulu, Hawai'i 96813

Phone: (808) 547-5600 Fax: (808) 547-5880

mailto:jlacy@goodsill.com

8/10/2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents for
National Casualty Co.,

Plaintiff-Appellant,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellee,

v.

MADEE, F/V, United States Coast
Guard Document No. D5464888, In
Rem,

Defendant,

KIRIBATI SEAFOOD CO. LLC, a
foreign corporation, in personam,

Defendant-Counter-
Claimant-Appellant,

v.

MARISCO CO. LTD.,

Defendant-Third-Party-
Plaintiff-Appellee,

v.

KIRIBATI SEAFOOD CO. LLC,

Third-Party-Defendant-
Appellant.

CIVIL NO. 05-16700

D.C. NOS. CV-02-00093-ER
CV-02-00272-ER

CERTIFICATE OF SERVICE

INTERNATIONAL SPECIALTY,
INC., As Authorized Agents For
National Casualty Co.,

Plaintiff-Appellee,

MARISCO LTD., a Hawaii corporation,

Plaintiff-Counter-
Defendant-Appellant

v.

MADEE, F/V, United States Coast
Guard Document No. D546488, In
Rem,

Defendant-Appellee

and

KIRIBATI SEAFOOD CO. LLC, a
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Defendant-Counter-
Claimant-Appellee

v.

MARISCO LTD., a Hawaii corporation,

Defendant-Third-Party-
Plaintiff-Appellant,

v.

KIRIBATI SEAFOOD CO. L.L.C., a
foreign corporation, in personam,

Third-Party-Defendant-
Appellee

CIVIL NO. 05-16823

D.C. NOS. CV 02-00093 ER

CV 02-00272-ER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date below, a copy of the foregoing document will be duly served upon the following parties, by depositing said document into the United States Mail, postage prepaid, addressed as follows:

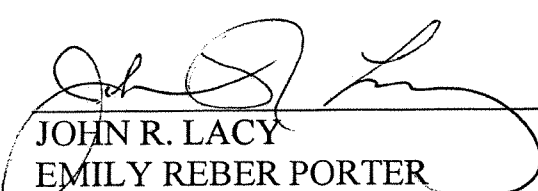
MICHAEL L. FREED, ESQ.
Finance Factors Center
1164 Bishop Street, Suite 650
Honolulu, Hawaii 96813

JOHN R. FITZGERALD, ESQ.
McAlpine & Cozad
701 S. Peters Street, Suite 300
New Orleans, Louisiana 70130

Attorneys for MARISCO, LTD.

NICHOLAS F. COSCIA
Kiribati Seafood Co., LLC
P. O. Box 789
Cardiff-by-the Sea, CA 92007

DATED: Honolulu, Hawaii, November 2, 2005.



JOHN R. LACY

EMILY REBER PORTER

Attorneys for Defendant-Counter-
Claimant-Appellant/Defendant-Counter-
Claimant-Appellee KIRIBATI
SEAFOOD CO. LLC and Plaintiff-
Appellant/Plaintiff-Appellee
INTERNATIONAL SPECIALTY, INC.